

Connelly, U.S. Patent No. 5,387,405, rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Strominger et al., U.S. Patent No. 5,716,530, rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Connelly '405, and rejected claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Strominger et al. '530.

The amendments herein are offered to clarify the subject matter contained in the present application. No amendment should be construed in any way as acquiescing to the substance of any rejection contained in the Office Action.

The specification has been amended to provide an Abstract of the Disclosure, as required by the Examiner.

Claim 1 has been amended to incorporate the matter recited in claim 7 of record. Consequently, claim 7 has been cancelled. Claim 8 has been amended to revise its dependency.

Regarding the claim rejections under 35 U.S.C. §102(b), the Applicant respectfully submits that amended claim 1 is not anticipated by either Connelly '405 or Strominger et al. '530 because neither of the cited references disclose a treating agent for use in the Bayer process in filtration of caustic sodium alumina solution comprising "a blend of 200-300 ppm of starch and up to 10 ppm of another polysaccharide", as recited in the amended claim.

Regarding the claim rejections under 35 U.S.C. §103(a), it is submitted that amended claim 1 is unobvious in view of either of the cited references because the formulation described in amended claim 1 provides results that would be unexpected in view of the cited references.

As stated on page 3, lines 1-9 of the present specification:

"The present applicant has surprisingly found that at least part of the polysaccharide normally used as a treating agent in the filtration step of the Bayer process can be replaced with starch without any substantial loss in filterability. Indeed the addition of certain blends of polysaccharide and starch as a treating aid may result in increased filterability of the liquor as compared to polysaccharide alone as a filter aid.

Clearly this has significant advantages since starch is only a fraction of the cost of the aforementioned polysaccharides."

It is submitted that this result is unexpected because neither Connelly '405 nor Strominger et al. '530 recognize starch to be a result-effective variable in the formulations described therein. The references list starch as one of a many polysaccharides which may be used

in the formulations described. There is no mention in the references of particular benefits resulting from blending specific proportions of starch and other polysaccharides.

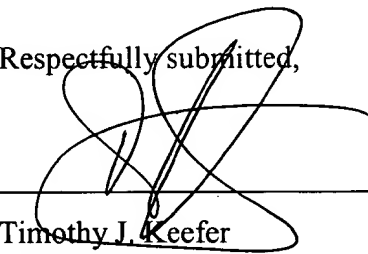
Therefore, in view of the cited references, optimization of a ratio of starch to polysaccharide, as disclosed in the present invention, cannot be characterized as routine experimentation.

Thus, the formulation disclosed in the present application provides unexpected results in view of the cited references.

For the reasons stated above, the Applicant respectfully submits that the amended claim 1 is not anticipated by either of Connelly '405 or Strominger et al. '530. In addition, the Applicant respectfully submits that the amended claim 1 is unobvious in view of either of Connelly '405 or Strominger et al. '530. As claim 1 is believed to be patentable over the cited references, it is submitted that claims 2-9 are also patentable as they depend from claim 1.

In view of the above amendments and remarks, the Applicants respectfully submit that all rejections of record have been overcome. The Applicants respectfully request favorable reconsideration and allowance of the present application.

Respectfully submitted,

  
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**ATTACHMENT TO AMENDMENT OF SERIAL NO. 09/484,071  
CONTAINING MARKED-UP CHANGES TO CLAIMS**

**A. Version With Markings To Show Changes Made (Claims)**

Please cancel claim 7.

Please amend claims 1 and 8 to read as follows:

1. (Amended) A treating agent for use in the Bayer process in filtration of caustic sodium alumina solution, said treating agent comprising:

a blend of 200-300 ppm of starch and up to 10 ppm of another polysaccharide.

8. (Amended) The treating agent of claim [7] 1 comprising up to 5 ppm polysaccharide.